

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

FREDERICK BAUER §
v. § CIVIL ACTION NO. 5:15cv104
FEDERAL OFFICIALS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Frederick Bauer, an inmate of the Federal Correctional Institution in Texarkana proceeding *pro se*, filed this civil action complaining of alleged violations of his constitutional rights. This Court ordered the matter referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff named a number of defendants around the country in his lawsuit and raised allegations including: a refusal to release him to his legal residence, which he describes as “homeless,” in California, or to a halfway house there; a federal conspiracy to convict him, including denials of counsel and due process of law; and a pattern of retaliation against him by various unidentified federal officials. For relief, Plaintiff sought immediate release from confinement, appointment of counsel, a jury trial, nominal, compensatory, and punitive damages to be paid out of the Federal Employees’ Retirement System, equitable relief to compel the release of all evidence and documents, and unspecified sanctions against various officials.

Plaintiff was ordered to pay the filing fee or seek leave to proceed *in forma pauperis*, and to file an amended complaint setting out his claims with more factual specificity. He did not comply with either of these orders. In addition, court records show Plaintiff has filed over 50 lawsuits,

petitions, and appeals in federal courts around the country, at least three of which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted.

After review of the pleadings, the Magistrate Judge issued a Report recommending Plaintiff be denied *in forma pauperis* status and the lawsuit be dismissed as barred by the three-strikes provision of 28 U.S.C. §1915(g).

Plaintiff received a copy of the Magistrate Judge's Report but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED the Report of the Magistrate Judge (docket no. 9) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Plaintiff is denied *in forma pauperis* status and the above-styled civil action is **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory filing fee. It is further

ORDERED that should Plaintiff pay the full filing fee within 15 days after the date of entry of final judgment in this case, he shall be allowed to proceed in the lawsuit as though the full fee had been paid from the outset. Because Plaintiff is ineligible to proceed *in forma pauperis*, the full filing fee is \$400.00. It is further

ORDERED the Clerk shall send a copy of this Memorandum Opinion to the Administrator of the Three Strikes List for the Eastern District of Texas. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

SIGNED this 15th day of March, 2016.



ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE